

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MCKINLEY PIERCE ATKINS,

Plaintiff,

v.

E. RIOS, et al.,

Defendants.

Case No. 1:20-cv-00193-NONE-JLT (PC)

**ORDER SETTING VIDEO
SETTLEMENT CONFERENCE**

Date: December 14, 2021
Time: 10:00 a.m.

The Court finds this case will benefit from an early settlement conference. Accordingly, the Court ORDERS:

1. This matter is set for a settlement conference via Zoom before the undersigned on **December 14, 2021, at 10:00 a.m.**
2. Defense counsel shall arrange for Plaintiff's participation in the conference. Prior to the conference, counsel shall contact the undersigned's courtroom deputy at shall@caed.uscourts.gov to arrange for the Zoom videoconference connection information. The Court will issue a writ of *habeas corpus ad testificandum*, as appropriate.
3. Each party or a representative with full authority to negotiate and enter into a binding settlement agreement shall participate in the conference. The failure of any counsel, party, or authorized person subject to this order to participate in the conference may

1 result in the imposition of sanctions.

2 4. Consideration of settlement is a serious matter that requires thorough preparation prior
3 to the settlement conference. Participants in the conference must be prepared to
4 discuss the claims, defenses, and damages.

5 5. The parties shall submit confidential settlement conference statements **no later than**
6 **December 6, 2021**. Plaintiff shall mail his statement, clearly captioned “Confidential
7 Settlement Conference Statement,” to United States District Court, Attn: Magistrate
8 Judge Jennifer L. Thurston, 2500 Tulare Street, Room 1501, Fresno, CA 93721.
9 Defendants shall email their statement to jltorders@caed.uscourts.gov.

10 Once the parties have submitted their statements, they shall file a “Notice of
11 Submission of Confidential Settlement Conference Statement” with the court. The
12 confidential settlement conference statements themselves **should not be filed** with the
13 court **nor served** on the opposing party.

14 6. The confidential settlement conference statements should be no longer than 5 pages in
15 length, typed or neatly printed, and include:

- 16 a. A brief summary of the facts of the case;
- 17 b. A brief summary of the claims and defenses of the case, i.e., the statutory,
18 constitutional, or other grounds upon which the claims are founded;
- 19 c. A forthright discussion of the strengths and weakness of the case and an evaluation
20 of the likelihood of prevailing on the claims or defenses, from the party’s
21 perspective, and a description of the major issues in dispute;
- 22 d. An estimate of the party’s expected costs and time to be expended for further
23 discovery, pretrial matters, and trial;
- 24 e. A summary of past settlement discussions, if any; a statement of the party’s
25 current position on settlement, including the amount the party would offer and
26 accept to settle (in specific dollar amounts); and a statement of the party’s
27 expectations for settlement discussions;
- 28 f. A list of the individuals who will be attending the conference on the party’s behalf,

1 including names and, if appropriate, titles; and,
2 g. If a party intends to discuss the settlement of any other actions or claims not raised
3 in this suit, a brief description of each action or claim, including case number(s), as
4 applicable.

5
6 IT IS SO ORDERED.

7 Dated: November 22, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE